

FILED

JUL - 3 2002

NOEL K. DESSAINT
CLERK SUPREME COURT
BY

SUPREME COURT OF ARIZONA

STEVE MAY,) Arizona Supreme Court
) No. CV-02-0206-SA
)
) Petitioner,)
) Court of Appeals
) Division One
) No. 1 CA-SA 02-0073
)
) v.)
)
)
) THE HONORABLE SHELDON H. WEISBERG,)
) JON W. THOMPSON, JOHN C. GEMMILL,) Maricopa County
) JUDGES OF THE COURT OF APPEALS,) Superior Court
) DIVISION ONE, in and for the State) No. CV 2001-006078
) of Arizona,)
)
) Respondents,)
)
) and)
)
)
) BETSEY BAYLESS, as Secretary of)
) State of the State of Arizona,)
) acting in her official capacity;)
) CAROL SPRINGER, as Treasurer of)
) the State of Arizona, acting in) ORDER OF STAY
) her official capacity; and the)
) CITIZENS CLEAN ELECTIONS)
) COMMISSION; and ARIZONANS FOR)
) CLEAN ELECTIONS,)
)
)
) Real Parties in Interest.)
)
)

Division One of the Court of Appeals, on June 17, 2002, issued its Opinion holding unconstitutional the surcharge provisions of the Clean Elections Act of Arizona. Two days following issuance of the Opinion, the court of appeals issued its own stay, effective until July 8, 2002.

This court is in receipt of the Petition for Special Action

requesting that the court of appeals stay be lifted, in which case that court's determination of unconstitutionality would take immediate effect.

The Citizens Clean Elections Commission has filed a Response to the Petition for Special Action, together with a Cross-Petition, requesting that this court now order its own stay, enjoining the immediate effectiveness of the court of appeals Opinion. We have read and considered the Petition for Special Action, the Response, the Cross-Petition for Stay, and the Response to Cross-Petition. Balancing all the interests and weighing the arguments of counsel, the court concludes the Real Parties in Interest have satisfied all requirements necessary for the issuance of a stay by this court.

IT IS THEREFORE ORDERED the June 17, 2002 Opinion of the court of appeals that declared the surcharge provision of the Clean Elections Act of Arizona unconstitutional is hereby stayed. Expiration of the stay issued by the court of appeals on July 8, 2002 will not affect the duration of the stay granted by this Order. The stay hereby granted shall remain in effect until further order of this court.

Justices Feldman and Ryan did not participate in this decision.

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DATED this 3rd day of July, 2002.

Charles E. Jones
Chief Justice

TO:

Clint Bolick, Esq., Thomas P Liddy, Esq. and Timothy D Keller, Esq.,
Institute for Justice, Arizona Chapter
Timothy M Hogan, Esq., Arizona Center for Law in the Public Interest
Elizabeth Daniel, Esq., Brennan Center for Justice at New York
University School of Law
Hon. Janet A Napolitano, Arizona Attorney General
Attn: Todd F Lang, Esq.
Hon. Sheldon H Weisberg, Judge, Court of Appeals, Division One,
Phoenix
Hon. Jon W. Thompson, Judge, Court of Appeals, Division One,
Phoenix
Hon. John C Gemmill, Judge, Court of Appeals, Division One,
Phoenix
Glen D Clark, Clerk, Court of Appeals, Division One, Phoenix

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